

Dated: May 20, 2021



UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

Minute Entry

Brenda K. Martin
Brenda K. Martin, Bankruptcy Judge

Hearing Information:

Debtor: DESERT VALLEY STEAM CARPET CLEANING LLC
Case Number: 2:20-BK-00570-BKM Chapter: 11
Date / Time / Room: TUESDAY, MAY 18, 2021 02:00 PM TELEPHONIC HRGS
Bankruptcy Judge: BRENDA K. MARTIN
Courtroom Clerk: JENNIFER LOWRY
Reporter / ECR: LETICIA OROSCO

Matter:

HEARING ON DEBTOR'S MOTION FOR PERMISSION TO UTILIZE ALTERNATE PROPERTY VALUATION
EXPERT AND TO EXTEND DEADLINES AND EVIDENTIARY HEARING ON PROPERTY VALUATION
R / M #: 246 / 0

Appearances:

SHAWN AUBREY MCCABE, ATTORNEY FOR DESERT VALLEY STEAM CARPET CLEANING LLC
PATRICK KEERY, ATTORNEY FOR KEERY MCCUE PLLC
PATRICK BARROWCLOUGH, ATTORNEY FOR ATLAS RESIDENTIAL

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Proceedings:

Mr. McCabe reviews the motion and advises that a new appraiser has been acquired who can have a report ready 5 weeks after payment. Mr. McCabe indicates that by June 28th an updated appraisal and any file from the appraiser can be turned over to Atlas. He asks that the extensions of time in this case be based off of June 28, 2021.

Mr. Barrowclough responds to Mr. McCabe's comments and argues that an extension should not be granted and the evidentiary hearing should go forward as scheduled. If the Court is inclined to grant a continuance he requests that Atlas be reimbursed the \$1800.00 it had to pay to Mr. Dominick for his analysis of the two Wright appraisals. Additionally he requests that approval of the disclosure statement be taken off calendar until valuation is decided.

Mr. McCabe responds that, had he been aware there was an issue with the appraiser, it would have been brought to both Atlas' and the Court's attention right away. Mr. McCabe indicates that the original deadline for exchanging the files was April 18, 2021. On Monday April 19, 2021 he contacted the expert asking for the status update, who informed him that files and documents were being prepared, however he would need a little more time for an updated appraisal. Mr. McCabe was under the impression he would have the working file by the end of that week and the updated appraisal by April 30, 2021.

COURT: IT IS ORDERED GRANTING AN EXTENSION, WITH THE CONDITION THAT ATLAS BE REIMBURSED THE \$1800.00 THAT THEIR EXPERT HAD TO SPEND IN REVIEWING AND PREPARING FOR THE DEPOSITION OF THE EXPERT WHO WILL NOT BE PROVIDING TESTIMONY IN THIS CASE.

Mr. McCabe expresses that an extension is required. He asks if the reimbursement will be assessed as an administrative claim.

COURT: IT IS ORDERED DIRECTING THAT THE \$1800.00 REIMBURSEMENT BE PAID TO ATLAS BY THE PRINCIPALS OF THE DEBTOR NO LATER THAN JUNE 1, 2021.

IT IS FURTHER ORDERED THAT THE DEBTOR SHALL PROVIDE THE APPRAISAL AND APPRAISERS NOTES TO ATLAS NO LATER THAN JUNE 30, 2021. ALL DISCOVERY, WITH RESPECT TO THE EXPERTS, SHALL BE COMPLETED NO LATER THAN AUGUST 13, 2021. THE JOINT PRETRIAL STATEMENT SHALL BE FILED AND THE DECLARATIONS SHALL BE EXCHANGED AND FILED NO LATER THAN AUGUST 18, 2021. THE JOINT PRETRIAL ZOOM HEARING WILL BE HELD ON AUGUST 19, 2021 AT 11:00 AM AND THE TRIAL WILL BE HELD ON SEPTEMBER 1, 2021 AT 9:30 AM. THE REMAINDER OF THE DEADLINES IN THE COURT'S MARCH 19, 2021 ORDER STILL STAND.

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THE COURT WILL VACATE THE HEARING ON APPROVAL OF THE DISCLOSURE STATEMENT, WHICH WAS SET FOR JUNE 17, 2021. THIS MATTER WILL BE CONTINUED AS A STATUS HEARING TO SEPTEMBER 1, 2021 AT 9:30 AM, TO BE HEARD AT THE END OF TRIAL. THE COURT WILL ALSO VACATE THE PRETRIAL HEARING, SET FOR MAY 19, 2021.

Mr. Barrowclough discusses the debtor's Motion to Use its Cash Collateral and to Obtain Financing and advises that he will likely file an objection.

COURT: IF AN OBJECTION IS FILED AND A HEARING IS REQUESTED IT WILL BE SET IN DUE COURSE.